

Sun Sounds of Arizona, a radio reading service for people who are blind or have another print-disabling impairment, is writing in support of the filed comments made by the International Association of Audio Information Services (IAAIS).

Specifically, Sun Sounds of Arizona is very disappointed in the FCC's unwillingness to provide the most basic protections and assistance to blind and vision impaired people so as to ensure that this group, consisting of tens of millions of Americans and destined to quadruple in the coming 20 years, can take full advantage of the technology and implied rights of access that technology facilitates to the new HD Radio digital environment.

The actions taken, or not taken, have impact on this audience in two primary ways.

1. By not ruling that HD Radio consumer equipment is an interactive telecommunications device, it allows, neigh predestines, that HD Radio will be mostly inaccessible to people with disabilities. By definition, any unit which can interact must be eligible under Section 255 of the Telecommunications Act of 1996. As these HD consumer units will have conditional access, and programming can be selectively controlled by the consumer and/or, by the transmitting organization, this creates interactivity of a sort. A broad view of the definition is required unless the FCC wishes to have its regulations only apply to the tiniest sliver of equipment envisioned when the rule was created. Technology does not restrict itself to such narrowing, and in fact, pushes the envelope creating new applications and capabilities well beyond those envisioned years ago. History demonstrates conclusively that, though enlightened self interest should promote industry and business implementing the most universal design and access the technology allows, in practice they virtually never do it. It is litigation which has forced the manufacturing of accessible products not regulation. The most compelling example of this phenomenon is directly within the FCC's jurisdiction. Section 255 was originally and specifically aimed at the cell phone industry over which the FCC has extensive jurisdiction. The FCC has failed to implement its own regulations on this industry though, and virtually no progress has been made in making cell phones accessible beyond that which has been forced by the litigation of individuals. This pits individual citizens against large well financed corporations and interests in an unfair and uneven battle. It was this

inequity, and inherent discrimination, which the FCC's rules were meant to prevent. Therefore, to expect reading services, which indirectly represent several million blind and vision impaired people, to quietly allow this history and inequity to repeat itself on the FCC's assurance that industry will do the right thing is absurd.

2. The FCC has long held that reading services for blind and vision-impaired people are a necessary and essential part of the telecommunications landscape. The Commissions own rulings of Docket 82-1 and 87-9 demonstrate this attitude. So, it is mystifying why the FCC has not chosen to update these rulings in its recent report and order. Sure, it has said that the same protections provided for SCA reading services is to be extended, but it has once again stayed with a very narrow perspective based on old technology of another era, rather than extending the logic and wisdom of those earlier rulings to the newer and different digital environment. Specifically, the Commission has failed to specify a minimum standard for fidelity for a service in the digital spectrum. It has been demonstrated that SCA fidelity standards are woefully inadequate promoting listener fatigue and indistinctness to older listeners, the primary group served by reading services. Now, when a technology exists to make reading services more useful, and higher quality, the FCC by not regulating has created an environment in which reading services could conceivably sound worse, and be less useful to the constituency. This is not consistent or rational thinking. To make matters worse, the FCC has not even dictated that reading services should automatically transition to HD digital format when the FM stations do. A time may come when the SCAs are all shut off, and then radio reading may cease to exist because its transition to the digital format has not been required.

In summation: The situation created by the FCC during this proceeding will harm radio reading, reduce its effectiveness, and perhaps even drive it from the arena entirely. Then, even if some services manage to survive through the good will and community spirit of some FM licensees, their audiences will not be able to use the HD consumer radio equipment anyway because the FCC doesn't believe it important to make sure all US citizens have the access to facilities required in the Americans with Disabilities Act, and it's own Communications Act of 1996. These issues must be addressed if the FCC plans to protect the public's access and use of the ether as it is mandated to do. The FCC is for the people, not for the commercial

interests. We request that this is kept in mind when the FCC is ruling on the public's interest, convenience, and necessity.